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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,672	08/03/2001	Joanna Margaret Clarke	7408	6625

27752 7590 10/17/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/17/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/890,672

Applicant(s)

CLARKE ET AL.

Examiner

Brian P Mruk

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed July 31, 2003.

Applicant has amended claims 1-2 and 7-9. New claims 11-17 have been added.

Currently, claims 1-17 remain pending in the application.

2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 6.

3. The objection of the specification for not claiming priority to Provisional Application No. 60/119,044, filed February 8, 1999, in the first sentence of the specification is withdrawn in view of applicant's amendments and remarks.

4. The objection of the specification for not containing an abstract of the disclosure is withdrawn in view of applicant's amendments and remarks.

5. The objection of the specification for the use of the trademarks "Dowanol", "Arcosolv", etc. (see page 9, lines 27-28) is maintained for the reasons of record. Furthermore, the examiner notes that applicant has not provided any arguments regarding this objection. Therefore, a response to applicant's arguments regarding this objection is not necessary.

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6. The objection of claims 1-10 is withdrawn in view of applicant's amendments and remarks. Specifically, applicant has amended claim 1 to correct the spelling of the term "isobutyl".

7. The rejection of claims 1-10 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks. Specifically, applicant has amended claim 1 to correct the structure of the diol, has amended claim 8 to remove the Trademark/trade names recited in the claim, and has amended claim 9 to remove the process step requirements related to instant claim 1.

8. The rejection of claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over Kasturi et al, U.S. Patent No. 6,207,631, is maintained for the reasons of record.

9. The rejection of claims 1-6 and 9-10 under 35 U.S.C. 103(a) as being unpatentable over Vinson et al, U.S. Patent No. 6,069,122, is withdrawn in view of applicant's Statement of Common Ownership of the instant invention and that of Vinson et al, U.S. Patent No. 6,069,122.

10. The rejection of claims 1-6 and 9-10 under 35 U.S.C. 103(a) as being unpatentable over Vinson et al, U.S. Patent No. 5,990,065, is withdrawn in view of applicant's Statement of Common Ownership of the instant invention and that of Vinson et al, U.S. Patent No. 5,990,065.

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11. The rejection of claims 1-6 and 9-10 under 35 U.S.C. 103(a) as being unpatentable over Ofosu-Asante et al, WO 98/28393, is maintained for the reasons of record.

NEW GROUNDS OF REJECTION

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasturi et al, U.S. Patent No. 6,207,631.

Newly added claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasturi et al, U.S. Patent No. 6,207,631, for the reasons of record found in the last Office Action, Paper No. 6, Paragraph No. 13.

14. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ofosu-Asante et al, WO 98/28393.

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Newly added claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ofosu-Asante et al, WO 98/28393, for the reasons of record found in the last Office Action, Paper No. 6, Paragraph No. 16.

Response to Arguments

15. Applicant's arguments filed July 31, 2003 have been fully considered but they are not persuasive.

Applicant argues that Kasturi et al, U.S. Patent No. 6,207,631, does not teach or suggest a dishwashing detergent composition required by the instant claims. Specifically, applicant argues that the carriers (i.e. diols and glycols) and polymeric suds stabilizer disclosed in Kasturi et al are optional ingredients, and thus, that this broad teaching of Kasturi et al cannot preclude establishment of unobviousness for a specifically claimed invention not anticipated by the reference. However, the examiner asserts that although these components are taught as optional ingredients by Kasturi et al, that one of ordinary skill in the art would recognize the importance of these ingredients in dishwashing compositions. Furthermore, the examiner notes that applicant has not provided a showing of unexpected results with respect to the inclusion of these components in dishwashing detergent compositions. Applicant further argues that Kasturi et al does not teach the molar ratio of anionic surfactant to amphoteric surfactant to diamine component required in the instant invention. However the examiner asserts that the composition disclosed in Example 11 of Kasturi et al clearly meets this limitation.

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Applicant argues that Ofosu-Asante et al, WO 98/28393, does not teach or suggest a dishwashing detergent composition required by the instant claims.

Specifically, applicant argues that the carriers (i.e. diols and polypropylene glycol) and amphoteric surfactants disclosed in Ofosu-Asante et al are optional ingredients, and thus, that this broad teaching of Ofosu-Asante et al cannot preclude establishment of unobviousness for a specifically claimed invention not anticipated by the reference.

However, the examiner asserts that although these components are taught as optional ingredients by Ofosu-Asante et al, that one of ordinary skill in the art would recognize the importance of these ingredients in dishwashing compositions. Furthermore, the examiner notes that applicant has not provided a showing of unexpected results with respect to the inclusion of these components in dishwashing detergent compositions.

Applicant further argues that Ofosu-Asante et al does not teach the molar ratio of anionic surfactant to amphoteric surfactant to diamine component required in the instant invention. However the examiner asserts that the compositions disclosed in Examples 1A-1F of Ofosu-Asante et al clearly meet this limitation.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BPM

Brian Mruk
October 13, 2003

Brian P. Mruk

Brian P. Mruk
Patent Examiner
Tech Center 1700